

IN THE UNITED STATES DISTRICT COURT
 DISTRICT OF SOUTH CAROLINA
 COLUMBIA DIVISION

JULIE A. SU, ACTING SECRETARY OF LABOR, UNITED STATES DEPARTMENT OF LABOR,)
)
)
)
Petitioner,) MISC. ACTION NO. 3:22-mc-00415-MGL
)
v.)
)
TEMEYKA SCOTT d/b/a LIBERTY TAX SERVICE,)
)
)
Respondent.)

ORDER

Before the Court is Petitioner Julie A. Su's (Su) motion to enforce the subpoena *duces tecum* issued by Martin J. Walsh¹. The Court held a hearing on May 18, 2023, to take testimony as to why Respondent has failed to produce documents in response to the subpoena.

The remaining documents sought by Su are described as:

- a. Documents showing the termination dates of former employees of Respondent from June 1, 2019 to present; and
- b. Documents showing payroll records reflecting daily or weekly hours worked during each work week including rates of pay, straight-time and/or overtime compensation paid, and additions to or deductions from wages, (including commission wages) of current and former employees of Respondent from June 1, 2019, through present. Such payroll records include, but are not limited to payroll records, timecards, time sheets, sign in logs, work schedules, and all time punch-

¹ Martin J. Walsh resigned as Department of Labor Secretary on March 11, 2023, at which time Su began as Acting Secretary.

edit reports showing all adjustments/revisions to time cards both hard-copy or electronic.

Respondent has had since October 17, 2022, to reply to the Order to Show Cause entered by this Court on September 30, 2022 [ECF Docket Entry #7] to produce the materials identified in the Subpoena Duces Tecum and has failed to comply with this Order.

Respondent failed to appear before this Court on May 18, 2023, and did not produce the documents sought by the United States Department of Labor, Wage and Hour Division.

THEREFORE,

1. Petitioner's motion to enforce the subpoena *duces tecum* is **GRANTED**.
2. Any investigative findings by the Wage and Hour Division relating to the documents sought in the Administrative Subpoena cannot be held to be in dispute by Respondent.

IT IS SO ORDERED.

/s Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

June 1, 2023
Columbia, South Carolina